

11 December 1978

OLC 78-5436/1

MEMORANDUM FOR: Deputy Director for Resource Management
Deputy Director for Administration
Deputy Director for Science and Technology
Deputy Director for National Foreign Assessment
Deputy Director for Collection Tasking
Deputy Director for Operations
Director of Public Affairs
Legislative Counsel
General Counsel
Comptroller
Inspector General
Information and Privacy Staff

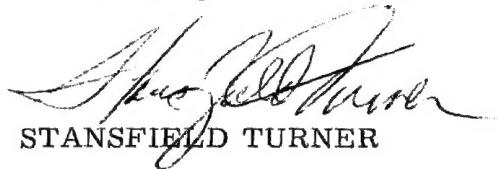
FROM : Director of Central Intelligence

SUBJECT : Release of Documents of Congressional Interest

1. Our oversight committees, as well as other Congressional committees and Members of Congress, are concerned that matters discussed in confidence contained in either documents originated by the Congress or by the Agency which repose in Agency files are subject to release in response to requests to the Agency under the Freedom of Information and Privacy Acts.
2. The Office of Legislative Counsel in recognition of the Congressional concerns for confidentiality has established and followed a firm policy of requiring and securing prior Congressional approval before any document, regardless of origin, reflecting matters discussed in confidence with the Congress, is released in response to any request. I recently confirmed this policy with the Senate Select Committee on Intelligence to include all exchanges between the Agency and the Committee and its predecessor, the Church Committee. This policy was also confirmed with the House Permanent Select Committee on Intelligence to cover all exchanges with the Pike Committee.
3. To assure that Congressional requirements for confidentiality are properly protected, all offices are instructed to refer all requests to release documents originated by the Congress or Agency documents containing information showing Congressional interest to the Office of Legislative Counsel for a Congressional determination as to releasability. No action is to be taken on such requests until the Legislative Counsel has secured the required Congressional approval.

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4. Any questions concerning the releasability of any of the above described documents shall be referred to the Legislative Counsel.



STANSFIELD TURNER

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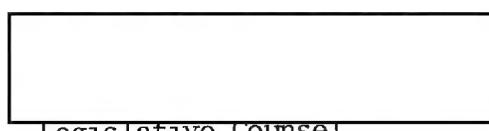
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NOTE FOR: DCI

M/SIGNATURE
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We have noted the General Counsel's comments. We were aware and are confident that you also were aware that the disclosure laws do not provide a specific exemption to withhold documents of Congressional interest. This is a grey area which the courts will have to decide. The chances of prevailing in court are indeed uncertain; however, the issue is vital to the Congress and we must respect and uphold the mutual trust that is the foundation of our confidential Congressional relationship. Your policy flies that banner and it is full speed into the legal fray.



Legislative Counsel

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